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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,197	12/03/2003	R. Bharat Rao	2002P19745US01	4681

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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FRENEL, VANEL

ART:UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,197	<b>Applicant(s)</b> RAO ET AL.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the Appeal Brief filed on 8/18/06. Claims 1-51 are pending.

2. In view of the Appeal Brief filed on 01/20/06, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplement appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193) (b)(2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (6,347,329), (Managed Care: New Financial/ Practices Strategies to Manage More Efficient /Effectively in a Primary Care Setting by Virginia Smith Harvin; 1998) in view of (iMedica Creates the Most Comprehensive Charting Solution Harnessing the Power Of the Internet Wirelessly by PR Newswire, N.Y Jan.18, 2000).

(A) As per claim 1, Evans discloses a method for processing medical information, comprising the steps of:

obtaining a medical record of a patient (See Evans, Col.1, lines 36-58), wherein the medical record comprises patient information from one or more structured and unstructured data sources (See Evans Col.8, lines 34-65);

automatically extracting billing information from the medical record as part of the analysis (See Virginia, Page 4, Paragraphs 3-4).

Evans and Virginia do not explicitly disclose that the method having analyzing with a computer the patient information from at least the unstructured data source in the medical record using domain-specific criteria.

However, this feature is known in the art, as evidenced by PR Newswire. In particular, PR Newswire suggests that the method having analyzing with a computer the patient information from at least the unstructured data source in the medical record using domain-specific criteria (See PR Newswire, Page 2, Paragraphs 2-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Evans and Virginia with the motivation of providing a comprehensive, rapid charting

solution that enables physicians to accurately chart in a fraction of time and access patient records on a secure Internet connection anytime, anywhere (See PR Newswire, Page 1, Paragraph 4).

(B) As per claim 2, PR Newswire discloses the method wherein extracting billing information comprises extracting one or more billing codes (Page 1, Paragraph 5).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(C) As per claim 3, Evans discloses the method wherein the billing codes comprise a diagnosis code, a procedure code or both (Col.9, lines 9-14).

(D) As per claim 4, Virginia discloses the method wherein the patient information comprises clinical information and financial information of the patient (Page 1, Paragraphs 1-5).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(E) As per claim 5, PR Newswire discloses the method wherein extracting billing information comprises extracting all billing codes that are supported by the patient information based on all domain-specific criteria in a domain knowledge base (See PR Newswire, Page 2, Paragraphs 2-5).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(F) As per claim 6, PR Newswire discloses the method wherein the domain-specific criteria comprises institution-specific domain knowledge (See PR Newswire, Page 2, Paragraphs 2-5).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Virginia discloses the method wherein the institution-specific domain knowledge relates to one or more of data at a hospital, document structures at a hospital, policies of a hospital, guidelines of a hospital, and variations at a hospital (See Virginia, Page 2, Paragraph 7).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Evans discloses the method wherein the domain-specific criteria includes condition-specific or disease-specific domain knowledge (Col.7, lines 1-9).

(I) As per claim 9, Evans discloses the method wherein the condition-specific or disease-specific domain knowledge includes one or more of factors that influences risk of a condition or disease, disease progression information, complications information,

outcomes and variables related to a condition or disease, measurements related to a condition or disease, and policies and guidelines established by medical bodies (Col.14, lines 45-67).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(J) As per claim 10, Evans discloses the method further comprising generating an explanation that includes one or more pointers to relevant patient information, relevant domain-specific criteria, or relevant patient information and domain-specific criteria, which supports the extracted billing information (Col.8, lines 34-65).

(K) As per claim 11, Virginia discloses the method further comprising presenting the explanation to a user for verifying the billing information (Page 4, Paragraphs 3- 4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(L) As per claim 12, Virginia discloses the method further comprising automatically generating a medical claim for the patient using the extracted billing information (Page 4, Paragraphs 3-7).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(M) As per claim 13, Virginia discloses the method further comprising: presenting the extracted billing information to the user for verification (Page 4, Paragraphs 1-7), and automatically generating a medical claim for the patient using the extracted billing information, if the extracted billing information is verified by the user (Page 4, Paragraphs 1-7).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(N) As per claim 14, Virginia discloses the method further comprising: modifying the extracted billing information in response to user input, if the billing information is not verified by the user (Page 4, Paragraphs 1-7); and automatically generating a medical claim for the patient using the modified extracted billing information (Page 4, Paragraphs 1-7).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(O) As per claim 15, Virginia discloses the method further comprising automatically updating the medical record of the patient using the extracted billing information (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.



Art Unit: 3626

(P) As per claim 16, Virginia discloses the method wherein automatically updating the medical record comprises using the extracted billing information to (i) correct billing information in the medical record, which is determined to be incorrectly recorded in the medical record or (ii) insert billing information into the medical record, which is determined to be missing from the medical record (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(Q) As per claim 17, Virginia discloses the method further comprising presenting an updated medical record to a user for verification, wherein automatically updating the medical record of the patient is performed in the updated medical record is verified by the user (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(R) As per claim 18, Virginia discloses the method further comprising: (a) automatically assessing the quality of the patient information of the medical record using the extracted billing information to obtain quality assessment results (Page 5, Paragraphs 1-8); and (b) storing the quality assessment results for the medical record (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(S) As per claim 19, Virginia discloses the method further comprising performing steps (a) and (b) for a plurality of medical records in an electronic database (Page 5, Paragraphs 1-10); and automatically generating quality assurance statistics based on the quality assessment results obtained for the plurality of medical records (Page 4, Paragraphs 6-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(T) As per claim 20, Virginia discloses the method wherein the quality assessment results comprise information regarding occurrences of correct, incorrect and/or missing billing codes in the medical record (Page 1, Paragraphs 7-10, Page 2, Paragraphs 13 to Page 3, Paragraphs 1-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(U) As per claim 21, Virginia discloses the method further comprising automatically determining an expected amount of medical billing reimbursement based on the extracted billing information (Page 2, Paragraph 1-7, Page 4, Paragraphs 1-4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

Art Unit: 3626

(V) As per claim 22, Virginia discloses the method further comprising: maintaining the expected amount in the medical record (Page 4, Paragraphs 2-7)., and reconciling the expected amount with an actual reimbursement received (Page 4, Paragraphs 7-11; Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(W) As per claim 23, Virginia discloses the method wherein determining an expected amount of medical billing reimbursement further depends on whether or not clinical guidelines have been followed as specified by domain-specific criteria (Page 4, Paragraphs 7-11, Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(X) As per claim 24, Virginia discloses the method wherein the explanation further comprises information as to whether or not clinical guidelines have been followed as specified by domain-specific criteria (Page 4, Paragraphs 7-11 ; Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(Y) As per claim 25, Evans discloses a system for processing medical information

(See Evans, Col.1, lines 36-58) comprising: patient information from structured and unstructured data sources, by analyzing the patient information from at least the unstructured data source using domain-specific criteria (See Evans, Col.8, lines 34-67), and an engine of a device that automatically extracts billing information from a medical record (See Virginia, Page 4, Paragraphs 3-4).

The combination of Evans and Virginia do not explicitly disclose a knowledge base comprising domain-specific criteria.

However, this feature is known in the art, as evidenced by PR Newswire. In particular, PR Newswire suggests a knowledge base comprising domain-specific criteria (See PR Newswire, Page 2, Paragraphs 2-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Evans and Virginia with the motivation of providing a comprehensive, rapid charting solution that enables physicians to accurately chart in a fraction of time and access patient records on a secure Internet connection anytime, anywhere (See PR Newswire, Page 1, Paragraph 4).

(Z) As per claim 26, Virginia discloses the system wherein the engine extracts billing information comprising billing codes (Page 2, Paragraph 13).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

Art Unit: 3626

(AA) As per claim 27, Evans discloses the system wherein the billing codes comprise diagnosis codes, procedure codes, or both (Col.9, lines 9-14).

(BB) As per claim 28, Evans discloses the system wherein the engine generates an explanation that includes one or more pointers to relevant patient information, relevant domain-specific criteria, or relevant patient information and domain-specific criteria, which supports the extracted billing information (Col.8, lines 34-65).

(CC) As per claim 29, Virginia discloses the system further comprising a user interface for presenting the explanation to a user to enable the user to verify the extracted billing information (Page 4, Paragraphs 3- 4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(DD) As per claim 30, Virginia discloses the system further comprising an automated billing system that automatically generates a medical claim for the patient using the extracted billing information output from the engine (Page 4, Paragraphs 3-7).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(EE) As per claim 31, Virginia discloses the system further comprising a user interface that presents the extracted billing information to a user and enables a user to verify the extracted billing information and modify the extracted billing information before automatically generating a medical claim based on the verified or modified billing information (Page 2, Paragraphs 5-13 to Page 3, Paragraphs 1-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(FF) As per claim 32, Virginia discloses the system wherein the engine can automatically update the medical record of the patient using the extracted billing information (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(GG) As per claim 33, Virginia discloses the system, wherein the engine can automatically update the medical record by using the extracted billing information to (i) correct billing information in the medical record, which is determined to be incorrectly recorded in the medical record or (ii) insert billing information into the medical record, which is determined to be missing from the medical record (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(HH) As per claim 34, Virginia discloses the system further comprising a user interface that presents an updated medical record to a user and enables the user to verify the updated medical record before automatically updating the medical record of the patient (Page 5, Paragraphs 1-8).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(II) As per claim 35, Virginia discloses the system wherein the engine can automatically assess the quality of patient information for each of a plurality of medical records using extracted billing information from each of the medical records and automatically generate quality assurance statistics based on the quality assessment results obtained for the plurality of medical records (Page 4, Paragraphs 6-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(JJ) As per claim 36, Virginia discloses the system wherein the quality assessment results comprise information regarding occurrences of correct, incorrect and/or missing billing codes in the medical record (Page 1 , Paragraphs 7-10., Page 2, Paragraphs 13 to Page 3, Paragraphs 1-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(KK) As per claim 37, Virginia discloses the system wherein the engine can automatically determine an expected amount of medical billing reimbursement based on the extracted billing information from the medical record and reconciles the expected amount with an actual reimbursement received (Page 1, Paragraphs 7-10; Page 2, Paragraphs 13 to Page 3, Paragraphs 1-11).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(LL) As per claim 38, Virginia discloses the system wherein the system operates as a service by a service provider for processing patient medical records in a database of a subscribing entity (Page 5, Paragraphs 1-10).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(MM) As per claim 39, Evans discloses obtaining a medical record of a patient (Col.1, lines 36-48), wherein the medical record comprises patient information from one or more structured and unstructured data sources (See Evans, Col.8, lines 3435); and automatically extracting billing information from the medical record by analyzing the patient information in the medical record using domain-specific criteria (See Virginia, Page 4, Paragraphs 3-4).

Evans and Virginia do not collectively disclose a program storage device readable by a machine, tangibly embodying a program of instructions executable on the



machine to perform method steps for processing medical information.

However, this feature is known in the art, as evidenced by PR Newswire. In particular, PR Newswire suggests a program storage device readable by a machine, tangibly embodying a program of instructions executable on the machine to perform method steps for processing medical information (See PR Newswire, Page 2, Paragraph 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Evans and Virginia with the motivation of providing a comprehensive, rapid charting solution that enables physicians to accurately chart in a fraction of time and access patient records on a secure Internet connection anytime, anywhere (See PR Newswire, Page 1, Paragraph 4).

(NN) As per claim 40, Virginia discloses the program storage device wherein the instructions for extracting billing information comprise instructions for extracting one or more billing codes (Page 2, Paragraph 13).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(OO) As per claim 41, Virginia discloses the program storage device wherein the patient information comprises clinical information and financial information of the patient (Col.9, lines 9-14).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(PP) As per claim 42, PR Newswire discloses the program storage device wherein the instructions for extracting billing information comprise instructions for extracting all billing codes that are supported by the patient information based on all domain-specific criteria in a domain knowledge base (See PR Newswire, Page 2, Paragraphs 2-5).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(QQ) As per claim 43, PR Newswire discloses the method wherein automatically extracting comprises inferring a diagnosis and the associated billing information from the medical record (See PR Newswire, Page 2; Paragraphs 4 to Page 3, Paragraph 4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(RR) As per claim 44, PR Newswire discloses the method wherein inferring the diagnosis and the associated billing information from the medical record without reference to diagnosis codes (See PR Newswire, Page 2; Paragraphs 4 to Page 3, Paragraph 4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(SS) As per claim 45, Virginia discloses the system wherein inferring comprises determining a probability (See Virginia, Page 4, Paragraphs 5-9).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(TT) As per claim 46, Virginia discloses the system wherein the engine is operable to infer a diagnosis and the associated billing information from the medical record (See Virginia, Page 4, Paragraphs 2-4).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(UU) As per claim 47, PR Newswire discloses the system wherein inferring the engine is operable to infer a diagnosis and the associated billing information from the medical record without reference to diagnosis codes (See PR Newswire, Page 2, Paragraphs 4-12).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(VV) As per claim 48, Virginia discloses the system wherein the engine is operable to determine a probability associated with the inferred diagnosis (See Virginia, Page 4, Paragraphs 5-9).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(WW) As per claim 49, PR Newswire discloses the program storage device wherein automatically extracting comprises inferring a diagnosis and the associated billing information from the medical record (See PR Newswire, Page 2, Paragraphs 4-12).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(XX) As per claim 50, PR Newswire discloses the program storage device wherein inferring comprises the diagnosis and the associated billing information from the medical record without reference to diagnosis codes (See PR Newswire, Page 2, Paragraphs 4-12).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

(YY) As per claim 51, Virginia discloses the program device wherein inferring comprises determining a probability (See Virginia, Page 4, Paragraphs 5-9).

The motivation for combining the respective teachings of Evans, Virginia and PR Newswire and the rejection of claim 1 above, and incorporated herein.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F  
V.F

Lynda Jasmin 10/27/06  
Primary Examiner

October 26, 2006